

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL MADDEN, :  
Petitioner, :  
v. : Civil Action No. 05-469J  
SUPERINTENDENT GEORGE PATRICK, :  
S.C.I. HOUTZDALE, :  
Respondent :  
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 5, 2006, docket no. 2, recommending that the petition be denied as untimely, and that a certificate of appealability be denied.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed objections, docket no. 4, which are meritless.

After de novo review of the record of this matter, together with the Report and Recommendation and the timely objections thereto, the following order is entered:

AND NOW, this 24<sup>th</sup> day of July, 2006, it is  
ORDERED that the petitioner's petition for a writ of  
habeas corpus is denied. A certificate of appealability is denied.  
The Report and Recommendation is adopted as the opinion of the  
Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to:

Michael Madden DV-0619  
S.C.I. Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698-1000